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EXAMINER

LEE, PHILIP C

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,224	Applicant(s) GURUMOORTHY ET AL.	
	Examiner Philip C. Lee	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This action is responsive to the amendment and remarks filed on April 26, 2006.
2. Claims 1-11 and 13-24 are presented for examination and claims 12 and 25-34 are canceled.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections -- 35 USC 103

4. Claims 1-11 and 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrory et al, U.S. Patent 6,697,962 (hereinafter McCrory) in view of Sewell et al, U.S. Patent Application Publication, 2002/0165952 (hereinafter Sewell) and further in view of Turek et al, U.S. Patent 6,460,070 (hereinafter Turek).
5. McCrory, Sewell and Turek were cited in the last office action.
6. As per claims 1, 7 and 13, McCrory taught the invention substantially as claimed comprising:

a storage medium comprising machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for:

launching a diagnostic agent process natively included in a host processing system upon boot-up of the host processing system (col. 3, lines 42-63; col. 4, lines 42-44); receiving data to provide one or more diagnostic procedures for the diagnostic agent process from a remote processing system via a data network coupled to the host processing system (col. 4, lines 50-56); upon receipt of the one or more diagnostic procedures, automatically executing the one or more diagnostic procedures on the host processing system (col. 4, lines 59-61).

7. McCrory did not teach transmitting one or more diagnostic results. Sewell taught transmitting the one or more diagnostic results to a remote processing system (page 6, paragraphs 52 and 53).

8. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of transmitting diagnostic results would increase the user's alertness in McCrory's system by allowing the results of the diagnostic procedure to be notified to the user.

9. Although, McCrory taught a diagnostic agent process natively included in the host processing system (diagnostic agent process as hardware or software, col. 10, lines 44-47) and executing one or more of the diagnostic procedures on the host processing system using various medication and alternative construction (i.e., diagnostic board is just an example of the preferred embodiment) (col. 10, lines 33-47), however, McCrory and Sewell did not specifically teach

Art Unit: 2152

diagnostic procedures are executed using a firmware interface. Turek taught a similar invention comprising:

a diagnostic agent process included in firmware and executing one or more of the diagnostic procedures on the host processing system using a firmware interface (col. 7, line 54-col. 8, line 18; col. 10, lines 36-41).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Turek's teaching of executing one or more of the diagnostic procedures on the host processing system using a firmware interface would increase the efficiency of McCrory's and Sewell's system by providing automatic means of diagnosing and correcting network problems in a network (col. 1, lines 6-11, 59-62).

11. As per claim 19, McCrory taught the invention substantially as claimed comprising:
a wireless network (col. 6, lines 35-41) (it is inherent that wireless modem is used for a wireless network);
a diagnostic source (120, fig. 1) coupled to the wireless network (130, fig. 1); and
a host processing system comprising:
logic (e.g. processor) (col. 10, line 44-55) to launch a diagnostic agent process natively included in the host system upon boot-up of the host processing system (col. 3, lines 42-63; col. 4, lines 42-44);

logic (e.g. processor) (col. 10, line 44-55) to receive data to provide one or more diagnostic procedures for the diagnostic agent process from the diagnostic source via the wireless network (col. 4, lines 50-56); and
logic (e.g. processor) (col. 10, line 44-55) to upon receipt of the one or more diagnostic procedures, automatically execute the one or more diagnostic procedures (col. 4, lines 59-61).

12. McCrory did not teach transmitting one or more diagnostic results. Sewell taught transmitting the one or more diagnostic results to a diagnostic source (page 6, paragraphs 52 and 53).

13. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory and Sewell because Sewell's method of transmitting diagnostic results would increase the user's alertness in McCrory's system by allowing the results of the diagnostic procedure to be notified to the user.

14. Although, McCrory taught a diagnostic agent process natively included in the host processing system (diagnostic agent process as hardware or software, col. 10, lines 44-47) and executing one or more of the diagnostic procedures on the host processing system using various medication and alternative construction (i.e., diagnostic board is just an example of the preferred embodiment) (col. 10, lines 33-47), however, McCrory and Sewell did not specifically teach

Art Unit: 2152

diagnostic procedures are executed using a firmware interface. Turek taught a similar invention comprising:

a diagnostic agent process included in firmware and executing one or more of the diagnostic procedures on the host processing system using a firmware interface (col. 7, line 54-col. 8, line 18; col. 10, lines 36-41).

15. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Turek's teaching of executing one or more of the diagnostic procedures on the host processing system using a firmware interface would increase the efficiency of McCrory's and Sewell's system by providing automatic means of diagnosing and correcting network problems in a network (col. 1, lines 6-11, 59-62).

16. As per claims 2 and 8, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 1 and 7 above. Sewell further taught wherein the storage medium comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for:

formatting the diagnostic results for transmission to a destination (page 6, paragraph 54);
and

transmitting the formatted diagnostic results to the destination through the data network (page 6, paragraph 54).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's and Turek's systems by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

18. As per claims 14 and 20, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 13 and 19 above. Sewell further taught comprising:

logic (e.g. processor) (col. 10, line 44-55) to format the diagnostic results for transmission to a destination (page 6, paragraph 54); and

logic (e.g. processor) (col. 10, line 44-55) to transmit the formatted diagnostic results to the destination through the wireless (i.e. data) network (page 6, paragraph 54).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's and Turek's systems by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

20. As per claims 3 and 9, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 2 and 8 above. Sewell further taught wherein the storage medium comprises

machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for formatting the diagnostic results according to an extensible markup language (XML) (page 6, paragraph 54).

21. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's and Turek's systems by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

22. As per claims 15 and 21, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 14 and 20 above. Sewell further taught comprising:

logic (e.g. processor) (col. 10, line 44-55) to format the diagnostic results according to an extensible markup language (page 6, paragraph 54).

23. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Sewell's method of formatting the diagnostic results would increase the compatibility of McCrory's and Turek's systems by allowing the diagnostic results to be formatted in an appropriate formatting language such as extensible markup language that would be suitable for the receiving device.

24. As per claims 4 and 10, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 1 and 7 above. McCrory further taught wherein the storage medium comprises

machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for transmitting a message requesting the one or more diagnostic procedures through the data network in response to launching the diagnostic agent process on the host processing system (col. 7, lines 2-27).

25. As per claims 16 and 22, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 13 and 19 above. McCrory further taught comprising logic (e.g. processor) (col. 10, line 44-55) to transmit a message requesting the one or more diagnostic procedures through the wireless (i.e. data) network in response to launching the diagnostic agent process on the processing system (col. 7, lines 2-27).

26. A per claims 5 and 11, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 1 and 7 above. McCrory further taught wherein the storage medium comprises machine-readable instructions stored thereon (col. 10, line 44-col. 11, line 4) for launching an agent process to the processing system (col. 4, lines 42-43), the agent process comprising logic to transmit a request for the data to provide one or more diagnostic procedures to a diagnostic procedure source through the data network in response to launching the diagnostic agent process (col. 7, lines 2-27).

27. A per claims 17 and 23, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 13 and 19 above. McCrory further taught comprising logic (e.g. processor) (col. 10, line 44-55) to transmit a request for the data to provide one or more diagnostic

Art Unit: 2152

procedures to a diagnostic procedure source through the wireless (i.e. data) network in response to launching the diagnostic agent process (col. 7, lines 2-27).

28. As per claim 6, McCrory, Sewell and Turek taught the invention substantially as claimed in claim 1 above. McCrory further taught comprising:

transmitting an identifying code to a diagnostic source through the data network, the identifying code being associated with the diagnostic agent process (col. 4, lines 22-28; col. 5, lines 29-32); and
selecting the data to provide one or more diagnostic procedures at the diagnostic agent process based upon the identifying code (col. 4, lines 28-31); and
transmitting the selected data to the diagnostic agent process through the data network (col. 4, lines 31-35).

29. As per claims 18 and 24, McCrory, Sewell and Turek taught the invention substantially as claimed in claims 13 and 23 above. McCrory further taught comprising:

logic (e.g. processor) (col. 10, line 44-55) to transmit an identifying code to a diagnostic source through the wireless (i.e. data network), the identifying code being associated with the diagnostic agent process (col. 4, lines 22-28; col. 5, lines 29-32); and
logic (e.g. processor) (col. 10, line 44-55) to select data to provide one or more diagnostic procedures at the agent process based upon the identifying code (col. 4, lines 28-31); and
logic (e.g. processor) (col. 10, line 44-55) to transmit the selected data to the diagnostic agent process through the wireless (i.e. data) network (col. 4, lines 31-35).

CONCLUSION

30. Applicant's arguments with respect to claims 1-11 and 13-24, filed 4/26/06, have been fully considered but are not deemed to be persuasive.

31. In the remark applicant argued that

(1) the cited prior arts do not teach launching a diagnostic agent process natively included in firmware of a host processing system upon boot-up of the host processing system.

(2) nowhere do the cited prior arts teach increase efficiency.

32. In response to point (1), although McCrory discloses launching a diagnostic agent process (that can be implemented as hardware or software, col. 10, lines 44-47) natively included in a host processing system upon boot-up (col. 3, lines 42-63; col. 4, lines 42-44), however, McCrory does not explicitly teach diagnostic agent process in firmware. Turek teaches a diagnostic agent in firmware (col. 7, line 54-col. 8, line 18; col. 10, lines 36-41). Thus, the combination of McCrory and Turek teach launching a diagnostic agent process natively included in firmware of a host processing system upon boot-up of the host processing system.

33. In response to point (2), although "increase efficiency" is not explicitly mentioned in Turek, however, Turek clearly states "automatically diagnose faults" (col. 1, lines 65-67). This

Art Unit: 2152

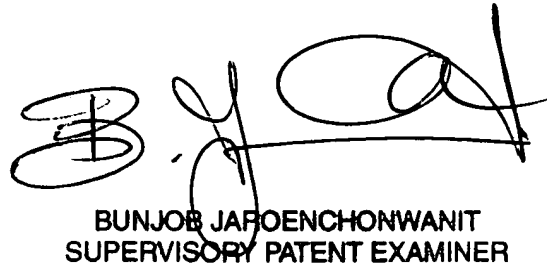
means that faults are diagnosed automatically and user intervention for diagnosing faults is unnecessary, hence, Turek's teaching can definitely considered as "more efficient". Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of McCrory, Sewell and Turek because Turek's teaching of executing one or more of the diagnostic procedures on the host processing system using a firmware interface would increase the efficiency of McCrory's and Sewell's system by providing automatic means of diagnosing and correcting network problems in a network (col. 1, lines 6-11, 59-62).

34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached

Art Unit: 2152

on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.



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